REMARKS

Claims 1-51 are pending and under examination. Applicant has amended claim 35 in order to correct typographical errors. Accordingly, claims 1-51 will be pending in the subject application upon entry of this Amendment.

Claim Numbering

In the June 13, 2006 Office Action, the Examiner stated that misnumbered claim 52 had been renumbered 51.

As requested by the Examiner, Applicants have made a note of such renumbering.

Sequence Listing

In the June 13, 2006 Office Action, the Examiner required identification of the amino acid sequences disclosed in the present application, e.g., on pages 20-24 of the subject specification.

In response, Applicant has amended the specification herein to appropriately identify the amino acid sequences. Applicants also submit a paper copy of a substitute Sequence Listing attached hereto as **Exhibit A** in compliance with the requirements of §1.821-1.825. In addition, applicants submit herewith the substitute Sequence Listing on the enclosed computer diskette. Moreover, applicants submit as **Exhibit B** a Statement In Accordance With 37 C.F.R. §1.821(f) certifying that the information in the computer readable form and that in the paper copy are the same, and that the Sequence Listing does not introduce new matter. Accordingly, Applicant requests that this ground of objection be reconsidered and withdrawn.

The Examiner also requested Applicant's representatives' further

cooperation in thoroughly reviewing the specification for other unidentified sequences.

In response, Applicant's representatives have thoroughly reviewed the specification for other unidentified sequences, and have amended the specification accordingly.

Certified Copy of Priority Application

In the June 13, 2006 Office Action, the Examiner required submission of a certified copy of Indian Priority Application No. 075/DEL/2003, filed January 30, 2003 as required by 35 U.S.C. §119(b).

In response, Applicants attach hereto as **Exhibit C** a certified copy of the priority application. Accordingly, Applicant requests that this ground of objection be reconsidered and withdrawn.

Restriction Requirement

In the June 13, 2006 Office Action, the Examiner required restriction to one of the following allegedly independent and distinct inventions characterized by the following Groups I-II:

I. Group I, claims 1-17 and 31-34, drawn to lipase variants (not lipase gene variant, because the sequences of SEQ ID Nos. 2-6 amino acid sequences and are therefore lipase variants not 'lipase gene variants as claimed'; (claim amendment is suggested), classified in class 435, subclass 198; and

II. Group II, claims 18-30 and 35-51, drawn to expression vector or host cell comprising DNA encoding lipase variants (is the suggested language for these claims), classified in class 435, subclass 252.3.

The Examiner states that the inventions are distinct, each from the other because although the DNA molecule and protein are related since the DNA encodes the specifically claimed protein, they are distinct inventions because the protein product can be made by another and materially different process, such as by synthetic peptide synthesis or purification from the natural source. The Examiner further stated that the DNA may be used for processes other than the production of the protein, such as nucleic acid hybridization assay.

In response, applicants hereby elect, with traverse, the claims of **Group I**.

Applicants, however, respectfully request that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application.

First, the inventions of the cited Groups are not independent. Under M.P.E.P. §802.01, "independent" means there is no disclosed relationship between the subjects disclosed. Applicants point out that, as the Examiner acknowledged on page 3 of the June 13, 2006 Office Action, "the expression system of Invention II is related to the protein of Invention I by virtue of encoding same. The DNA molecule has utility for the recombinant production of the protein in a host cell, as recited in the Claims of Invention II." Applicants therefore maintain that the cited Groups are not independent.

Moreover, under M.P.E.P. §803, there are two criteria for a proper restriction requirement: 1) the invention must be

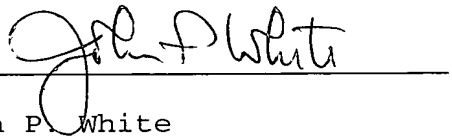
independent or distinct, and 2) there must be a serious burden on the Examiner if restriction is required. M.P.E.P. §803 unambiguously provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction is not required among Groups I-II because a search of the prior art relevant to any of the claims of either Group would necessarily turn up the prior art relevant to the claims of the remaining Group. There is therefore no burden on the Examiner to examine Groups I-II together in the subject application, and applicants submit that the Examiner must examine the entire application on the merits.

In view of the foregoing, applicants maintain that the June 13, 2006 restriction requirement is not proper under 35 U.S.C. §121 and respectfully request that the Examiner reconsider and withdraw the requirement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the $450.00 for two-month extension, is deemed necessary in connection with the filing of this Response. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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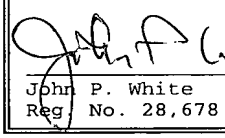
I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



9/13/06

John P. White Date
Reg. No. 28,678